

Notice of Allowability

Application No.

09/516,162

Examiner

Tri H. Phan

Applicant(s)

HIRAYAMA ET AL.

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed on 6/23/04 and 8/18/04.
2. ☒ The allowed claim(s) is/are 1,3-6 and 8 (Now renumbered as 1-6).
3. ☒ The drawings filed on 29 February 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

BRIAN NGUYEN

PRIMARY EXAMINER

Art Unit: 2661

DETAILED ACTION

Response to Amendment/Arguments

1. This Office Action is in response to the Response/Amendment filed on June 17th, 2004 and August 18th, 2004. Claims 2, 7 and 9-17 are now canceled. Claims 1, 3-6 and 8 are now pending in the application.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney **Carl Brundidge** (Reg# 29,621) on November 26th, 2004.

The application has been amended as follows:

IN THE CLAIM:

The following changes to the claims 1, 3-5 and 8 have been approved by the examiner and agreed upon by applicant:

In the claim 1, line 3, delete the extra comma “,” right after the word “information”.

In the claim 1, line 10, substitute “**an**” right in front of the phrase “ATM cell” to -- **the** --.

In the claim 1, line 17, substitute “**a**” right in front of the phrase “control signal” to -- **the** --.

In the claim 3, line 2, substitute “**port**” right after the term “said control” to -- **part** --.

In the claim 3, line 5, substitute “**a**” right in front of the word “destination” to -- **the** --.

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In the claim 3, line 6, substitute “**an**” right in front of the phrase “ATM cell” to -- **the** --.
In the claim 3, line 7-8, substitute “**an**” right in front of the phrase “ATM cell” to -- **the** --

In the claim 3, line 11, substitute “**a**” right in front of the word “destination” to -- **the** --.
In the claim 4, line 2, substitute “**an**” right in front of the phrase “ATM cell” to -- **the** --.
In the claim 5, line 3, substitute “**an**” right in front of the phrase “ATM cell” to -- **the** --.
In the claim 8, line 3, substitute “**an**” right in front of the phrase “ATM cell” to -- **the** --.

In order to avoid abandonment of the application, applicant must make these above
agreed upon claim changes (claims 1, 3-5 and 8).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miki et al. (U.S.6,424,662), **Okamoto et al.** (U.S.6,731,876), **Naoya Sashide** (U.S.6,724,774), **Murakami et al.** (U.S.6,741,598) and **Hiraiwa et al.** (U.S.6,021,134) are all cited to show devices and methods for improving the switching architectures in the ATM network, which are considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office, whose telephone
number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For more information about the PAIR
system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tri H. Phan
November 26, 2004



BRIAN NGUYEN
PRIMARY EXAMINER